IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2076 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/11/2004 in WP NO : 15349 OF 2004 on the file of the High Court.)

Between:

St. Mary's College of Engineering and Technology, Deshmukhi Village,Pochampally Mandal, Nalgonda District, Rep. by its Secretary-cum-Correspondent Rev. K.V.K. Rao.

..... APPELLANT

AND

1 The All India Council for Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi, rep. by its Member Secretary.
2 Prof. R. Natarajan,
All India Council for Technical Education, Indira Gandhi Sports Complex, I.P.

Estate, New Delhi.
3 The Station House Officer, Police Station, Alwal (Halia), Nalgonda.
4 The Station House Officer, Bodhan Pochampally Police Station, Nalgonda District.

.....RESPONDENT(S)

Counsel for the Appellant:MR.S.SRI RAM

Counsel for the Respondent Nos. 1 and 2: Mr. S. Satyanarayana Prasad

Counsel for the Respndents 3 and 4: GP FOR HOME

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

Challenge by the appellant in this appeal is against the order passed by the learned single judge dismissing its writ petition. Appellant had filed writ petition questioning the issuance of show cause notice by the respondents seeking to place the appellant under 'No Admission Category' for the current academic year 2004-2005 pursuant to the advice of the High Power Committee on prevention of Malpractices in Technical Institutions. The said Committee had recommended that F.D.R. was created for only Rs.50,000/- as against the requirement of Rs.50,00,000/- and the appellant herein may be asked to modify the FDR as per the requirement within four weeks and that the appellant be restrained from making admission for the current academic year 2004-2005. Allegations of mala fide were also attributed to the 2nd respondent.

Learned single judge at the admission stage observed that he was not inclined prima facie, to come to the conclusion that the allegations of mala fide attributed against the 2nd respondent were true. Moreover, as of today, 2nd respondent has since retired. As regards admissions, the learned single judge noticed that admissions in Andhra Pradesh to Engineering Colleges were almost completed on the date when show cause notice dated 28.7.2004 was issued. Learned single judge also noticed the stand of the learned Standing Counsel for AICTE that there is no decision restraining the appellant had been taken as such by the Executive Council of AICTE. Without saying anything as regards furnishing the F.D.R. for the balance amount as against the modified F.D.R. submitted by the Appellant, learned single judge dismissed the writ petition on the ground that it had been filed in great

haste without waiting for the decision of the AICTE, leaving it open to the Executive Council to consider the request/representation of the appellant by taking note of all events subsequent to the constitution of the High Power Committee and to take appropriate decision thereon as per Law. The order is under challenge. We have heard learned counsel for the parties.

In the additional counter affidavit filed on behalf of the respondents 1 and 2 on 7.11.2004, as regards the modified F.D.R., it was pointed that the amount representing the F.D.R. should be deposited in a joint account of the Institution and of the AICTE. An official of the AICTE should be co-signatory to such account and deposit, and only such deposit in such account and the F.D.R. raised in the joint name of the Institution and the AICTE can be accepted and for that reason, the modified F.D.R. sent by the appellant along with the reply to show cause notice was not acceptable.

Reply to show cause notice has already been submitted by the Appellant. Therefore, considering the facts and circumstances, we dispose of the appeal with direction that within a period of one week from today on the appellant's official approaching the 1st respondent, appropriate instructions will be issued naming the official of AICTE and within a period of one week thereafter, the concerned official of AICTE will put his signatures on the requisite forms for joint account for the FDR amount of Rs. 64,00,500/-. Within a week of the concerned official of the respondent signing the requisite form for joint account, the appellant will submit the modified F.D.R. with the Southern Regional Office of AICTE, Chennai. As regards the admissions, since the same were over, no further interference with the admission process will be made pursuant to the show cause notice impugned in the writ petition.

It would be however open for the Executive Council of the AICTE to duly consider the reply/representation of the appellant and pass appropriate orders thereupon and convey the same to the appellant.

In any case, the appellant would feel aggrieved against the order to be passed by the Executive Council of the AICTE, it would be open for it to challenge the same in accordance with law. The observations made by the learned single judge in the impugned order will not come in the way of the Executive Council of the AICTE in coming to its own decision.

The writ appeal is accordingly disposed of. No costs.

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DEVINDER GUPTA, CJ

Date: 28th December, 2004

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M. NARAYANA REDDY,J

Note: Furnish c.c. within two days

B/o

pnb

To

1 The All India Council for Technical Education, Indira Gandhi Sports

Complex, I.P. Estate, New Delhi, rep. by its Member Secretary.
2 Prof. R. Natarajan,
All India Council for Technical Education, Indira Gandhi Sports

Complex, I.P. Estate, New Delhi.
3 The Station House Officer, Police Station, Alwal (Halia), Nalgonda.
4 The Station House Officer, Bodhan Pochampally Police Station,
Nalgonda District.

5 Two C.Cs. to Government Pleader for Home, High Court Buildings,

Hyderabad. (OUT)

6 Two C.D. copies